



Express Mailing Label No. 292456593US
Date of Deposit: September 27, 2004

DOCKET NO.: D0188.70125US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis Cherok et al.
Serial No.: 09/661,623
Confirmation No.: 8712
Filed: September 14, 2000
For: IMPLANTABLE PROSTHESIS
Examiner: William H. Matthews
Art Unit: 3738

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

Serial No.: 09/661,623
Conf. No.: 8712

- 3 -

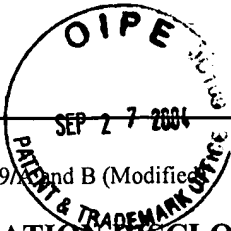
Art Unit: 3738

An early and favorable action is hereby requested.

Respectfully submitted,

By: 
James M. Hanifin, Jr., Reg. No. 39,213
Amy F. Mendel, Reg. No. 55,452
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Date: September 27, 2004
xNDD



FORM PTO-1449/Rev. B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT			APPLICATION NO.: 09/661,623		ATTY. DOCKET NO.: D0188.70125US00		
			FILING DATE: September 14, 2000		CONFIRMATION NO.: 8712		
			APPLICANT: Dennis Cherok et al.				
			GROUP ART UNIT: 3738		EXAMINER: William H. Matthews		
Sheet	1	of	1				

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		6,264,702	B1	Ory et al.	07/24/2001
		6,451,032	B1	Ory et al.	09/17/2002
		6,565,580	B1	Beretta	05/20/2003

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	

EXAMINE R	DATE CONSIDERED
------------------	------------------------

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.
Include copy of this form with next communication to Applicant.